

House Bill 266

By: Representatives Pruett of the 144<sup>th</sup>, Hembree of the 67<sup>th</sup>, Harden of the 28<sup>th</sup>, and Day of the 163<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that certain persons employed by and positions authorized for the Technical College System of Georgia related to the operation and management of the Georgia Aviation Technical College who are transferred to the Board of Regents of the University System of Georgia pursuant to Code Section 20-3-40 who are members of the Employees' Retirement System of Georgia shall have the option to remain in this retirement system; to provide for a period of election; to provide for related matters; to amend Part 1 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Board of Regents of the University System of Georgia, so as to provide for the transfer of positions relating to the Georgia Aviation Technical College; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by adding a new Code section to read as follows:

"47-2-183.

Persons who are transferred to the Board of Regents of the University System of Georgia pursuant to Code Section 20-3-40 and who are members of this retirement system may make an irrevocable election to continue membership in this retirement system; provided, however, that such election shall be made by August 31, 2010. If any such person fails to make an election by August 31, 2010, he or she shall become a member of the Teachers Retirement System of Georgia on September 1, 2010."

**SECTION 2.**

Said title is further amended by revising Code Section 47-3-60, relating to membership in the Teachers Retirement System of Georgia, by adding a new subsection to read as follows:

"(n) Persons who are transferred to the Board of Regents of the University System of Georgia pursuant to Code Section 20-3-40 and who are members of the Employees' Retirement System of Georgia may make an irrevocable election to continue membership in the Employees' Retirement System of Georgia; provided, however, that such election shall be made by August 31, 2010. If any such person fails to make an election by August 31, 2010, he or she shall become a member of this retirement system on September 1, 2010."

**SECTION 3.**

Part 1 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Board of Regents of the University System of Georgia, is amended by adding a new Code section to read as follows:

"20-3-40.

(a) All persons employed by and positions authorized for the Technical College System of Georgia related to the operation and management of the Georgia Aviation Technical College on June 30, 2010, shall, on July 1, 2010, be transferred to the board of regents. Persons who have transferred to the board of regents pursuant to this Code section who are in the classified service of the state merit system at the time of the transfer may elect to remain in such classified service and be governed by the provisions thereof; provided, however, that if any such person accepts a promotion or transfers to another position within the university system, that person shall be classified as all similarly situated employees of the board of regents."

**SECTION 4.**

This Act shall become effective on July 1, 2009, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2009, as required by subsection (a) of Code Section 47-20-50.

**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.